

A
DECLARATION
OF
Both Houses
OF
PARLIAMENT,

In Answer
To His MAJESTIES last MESSAGE,

Concerning the
MILITIA,

MAY 5. 1642.

Also, Two ORDERS concerning the
MILITIA,

The one bearing date, *May 17.* The other, *May 28.*
1642.

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ATTENTION

A DECLARATION

of both Houses of PARLIAMENT.

THe Lords and Commons holding it necessary for the peace and safety of this Kingdom, to settle the *Militia* thereof, did for that purpose, prepare an Ordinance of Parliament; and with all humility, did present the same to His Majestie, for His Royall Assent; Who notwithstanding the faithfull advice of His Parliament, and the severall Reasons offered by them of the necessity thereof, for the securing of His Majesties Person, and the peace and safety of His People, did refuse to give His consent; and therupon they were necessitated, in discharge of the Trust reposed in them, as the representative body of the Kingdom; to make an Ordinance by Authority of both Houses, to settle the *Militia*; Warranted thereunto, by the Fundamentall Laws of the Land.

His Majestie taking notice thereof, did by severall Messages invite them to settle the same by Act of Parliament, Affirming in His Message sent in Answer to the Petition of both Houses, presented unto His Majesty at *York, March 26* That he alwayes thought it necessary the same should be settled; And that he never denyed the thing, onely denyed the way; And for the matter of it, took exception, only to the Preface, as a thing not standing with His Honour, to consent to, and that Himself was excluded in the execution, and for a time unlimited.

Whereupon, The Lords and Commons being desirous to give His Majestie all satisfaction that might be, even to

the least Tittle of form and circumstance; and when His Majestie was pleased to offer them a Bill ready drawn, did for no other cause, then to manifest their hearty affection, to comply with His Majesties desire, and obtain his Consent, entertain the same; and in the mean time, no way declining their Ordinance, and to expresse their earnest zeal, to correspond with His Majesties desire (in all things that might consist with the peace, and safety of the Kingdom, and the Trust reposed in them) did passe that Bill, and therein omitted the Preamble inserted before the Ordinance, limited the time to lesse then two yeers, and confined the Authority of the Lieutenants, to these three particulars; namely, Rebellion, Insurrection, and forreign Invasion, and returned the same to His Majestie for His Royall Assent. But all these expressions of Affection, and Loyalty, all these desires, and earnest endeavours to comply with His Majestie, hath (to their great grief and sorrow) produced no better effect, then an absolute deniall, even of that, His Majestie by His former Messages, as we conceive, had promised; The advice of evil and wicked Councils receiving more credit with him, then that of His great Councell of Parliament, in a matter of so high Importance, That the safety of His Kingdom, and peace of His People depends upon it. But now, what must be the exceptions to this Bill? Not any sure that was to the Ordinance, for a care was taken to give satisfaction in all those particulars.

Then the Exception was, Because that the disposing and execution thereof, was referred to both Houses of Parliament, and His Majestie excluded. And now, That by the Bill, the Power and execution is ascertained, and reduced to particulars, and the Law of the Realm made the Rule thereof, His Majestie will not trust the Persons; The Power is too great, too unlimited to trust them with; But what is that

that Power? Is it any other, but in expresse terms to suppress Rebellion, Insurrection, and forreign Invasion? And who are those Persons? Are they not such as were nominated by the great Councell of the Kingdom, and assented to by His Majestie? And is it too great a Power to trust those Persons with the suppression of Rebellion, Insurrection, and forreign Invasion? Surely, the most wicked of them that advised His Majestie to this Answer, cannot suggest, but that it is necessary for the safety of His Majesties Royall Person, and the peace of the Kingdom, such a Power should be put in some hands; And there is no pretence of exception to the Persons. His Majestie for the space of above fifteen yeers together, thought not a Power far exceeding this, to be too great to entrust particular persons with, to whose will, the lives and liberties of His People, by Martiall Laws, were made subject; for such was the Power given to Lord Lieutenants, and Deputy Lieutenants, in every County of this Kingdom, and that without the consent of His People, or authority of Law.

But now in case of extreme necessity, upon the advice of both Houses of Parliament, for no longer space then two yeers, a lesser power, and that for the safety of King and People, is thought too great to trust particular Persons with, though named by both Houses of Parliament, and approved of by His Majestie himself: And surely, if there be a necessity to settle the *Militia* (which His Majestie was pleased to confesse) the Persons cannot be entrusted with lesse Power then this, to have it at all effectually. And the Presidents of former Ages, when there hapned a necessity to raise such a Power, never straitned that Power to a narrower compasse, Witnesse the Commissions of *Array*, in severall Kings raings, and often issued out by the consent and authority of Parliament.

The Lords and Commons therefore intrusted with the safety of the Kingdom, and peace of the People (which they call God to witnesse is their onely Aym) finding themselves denyed these their necessary and just demands, and that they can never be discharged before God or man, if they should suffer the safety of the Kingdom, and Peace of the People, to be exposed to the malice of the Malignant party at home, or the fury of enemies from abroad : And knowing no other way to encounter the imminent and approaching danger, but by putting the People into a fit Posture of defence, do resolve to put their said Ordinance in present execution, and do require all persons in authority by vertue of the said Ordinance, forthwith to put the same into execution; and all others to obey it, according to the Fundamentall Laws of the Land in each Cases, as they tender the upholding of the true Protestant Religion, the safety of His Majesties Person, and His Royall Posterity, the peace of the Kingdom, and the being of this Common-wealth.



F I N I S.





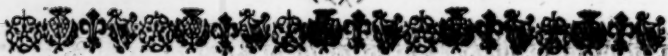
Die Martis 17. Maii. 1642.

THe Lords and Commons in Parliament do declare, That it is against the Lawes and Liberties of the Kingdom, That any of the Subjects thereof, should be commanded by the King to attend Him at His pleasure; but such as are bound thereto by speciall Service; And that Whosoever upon pretence of His Majesties command shall take Arms, and gather together with others, in a Warlike manner, to the terror of the Kings People, shall be esteemed disturbers of the publike peace, and to do that which may introduce a president of very dangerous consequence for the future, and produce most mischievous effects for the present, Considering the great distempers of the Kingdom, and what pernicious Councillors, and Incendiaries, are now about the King, and how desperate and ill affected divers persons, attending upon His Maiesstie, have shewed themselves to the Parliament, and to His other good Subjects, threatening and reproaching them publicly, even in His Majesties presence, and for preventing, and avoiding of such great mischiefs as may thereupon ensue;

It is Ordered and Ordained by both Houses of Parliament, That if the Trained Bands, or any other His Majesties Subjects, shall upon pretence of any such command be drawn together, and put into a posture of Warre, the Sheriff of that County where there shall be such raising, or drawing together of Armed men; Do forthwith raise the power of the County to suppress the same, and to keep His Majesties Peace, according to the Law. And that the Lord Lieutenants, Deputy Lieutenants, Justices of the Peace, and all other His Majesties Subjects, be ayding and assisting to the severall and respective Sheriffs in performance hereof, as they will answer the contrary at their perill.

Hen. Elsing, Cler. Parl. D. Com.





Die Sabbathi 28. May, 1642.

WHereas it appeares, that the King seduced by Wicked Counsell, intends to make War against the Parliament, and under the colour of a guard to secure his royal person, doth command troops both of horse and Foot to assemble at York; All which is against the Laws of the Kingdom, tending to the dissolution of the Parliament, and destruction of his people. It is therefore ordered by the Lords, and Commons in Parliament, that the Sheriffs of the County of Lancaster, and all other Sheriffs of the Kingdom of England, and Dominion of Wales, shall by the power of that County, and of their severall Counties respectively, suppress the raising, and comming together of any Souldiers, Horse or Foot, by any Warrant, commission, or order from his Majesty, without the advise and consent of the Lords, and Commons in Parliament; And that all persons Whatsoever doe forbear to execute any such commission; or Warrant for levying Souldiers, or gathering them together without consent of Parliament; And those who shall execute, or obey any such commission, or Warrant, are hereby declared to be disturbers of the peace of the Kingdom. And the Lord Lieutenant of the County of Lancaster, and all Lords Lieutenants of all other Counties in the Kingdom of England, or Dominion of Wales respectively, as likewise all deputy Lieutenants, Captaines and officers of the Trained Bands, and all Majors, Justices of Peace, and other his Majesties loving Subjects, are hereby commanded, and required to be ayding and assisting to the said Sheriff of the County of Lancaster, and to the other Sheriffs of the other Counties of this Kingdom, and of the Dominion of Wales; And that his Majesties loving Subjects may the better understand what the Law, and their own duty is in this behalf, the said Sheriff of Lancashire, and other Sheriffs of the other Counties of this Kingdom respectively, shall cause this present Order forthwith to be published in the severall Market Towns within their said Counties.

Sabbathi 28. Maii. 1642.

Ordered by the Lords in Parliament, that these shall be forthwith Printed and published.

JO. BROWNE, Cler. Parliamentorum.

FINIS.



